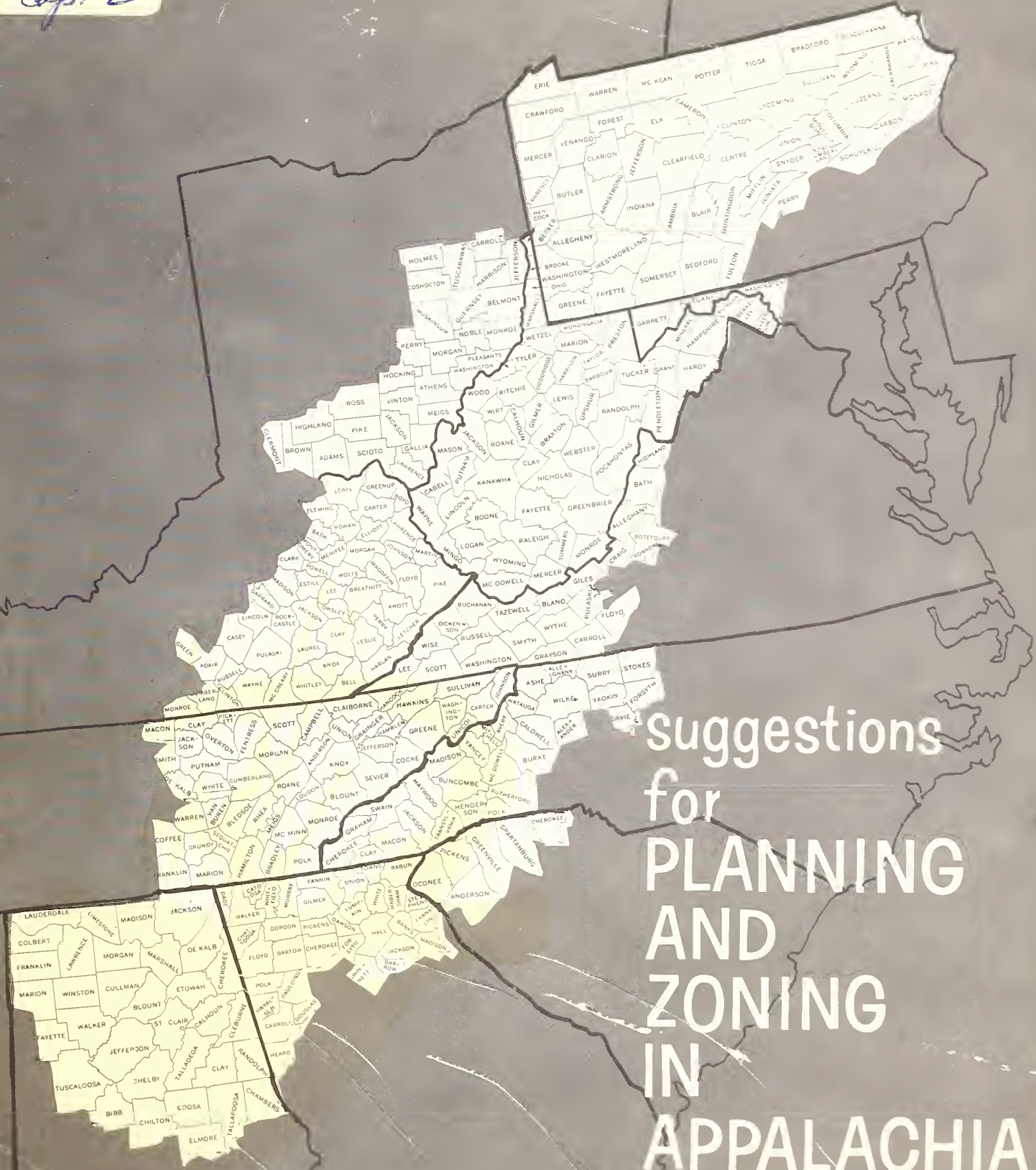


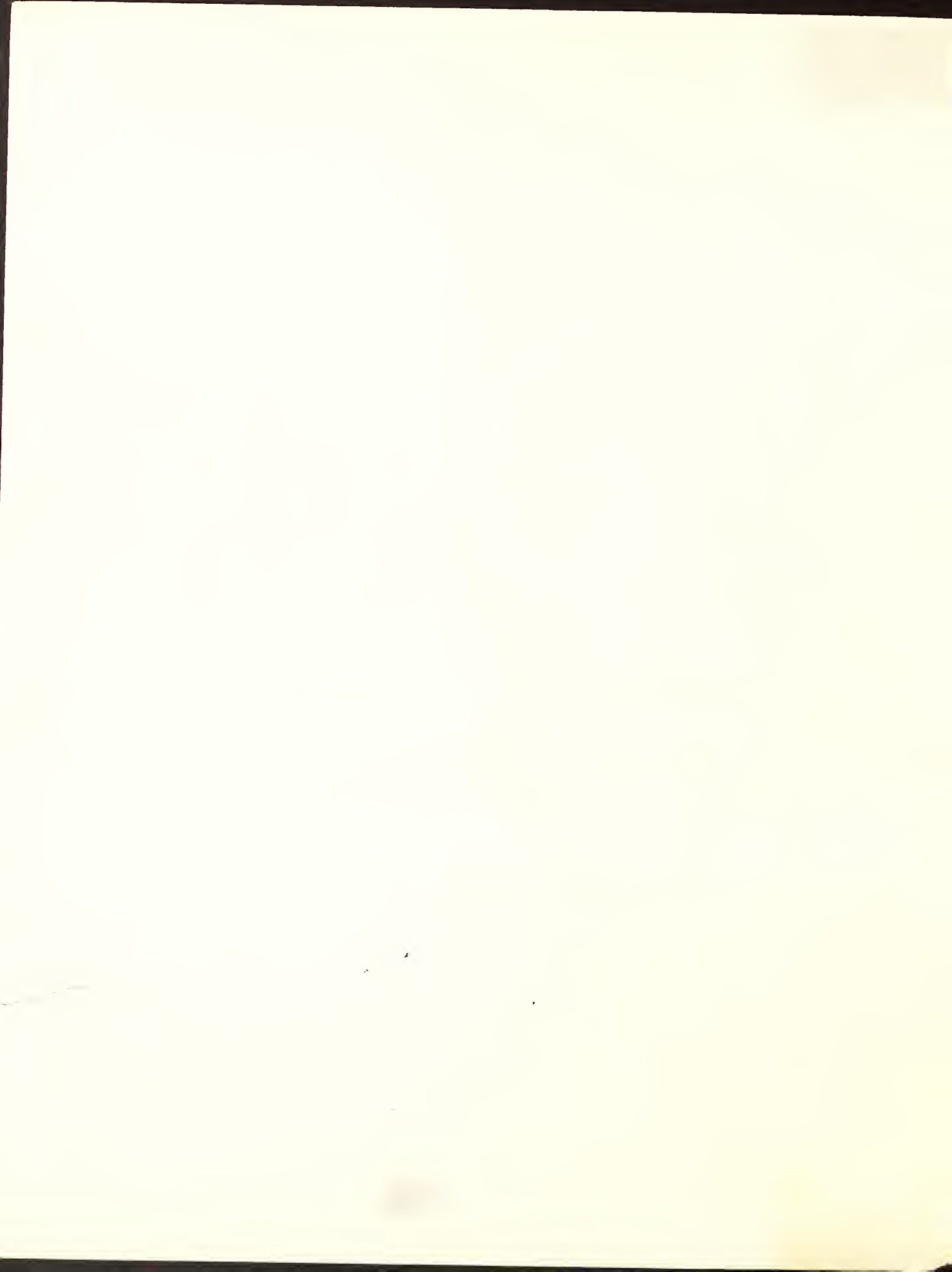
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suggestions
for
**PLANNING
AND
ZONING
IN
APPALACHIA**



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Washington, D. C.

February 1967

SUMMARY

Seventeen of the more populous counties in the Appalachian Region have passed zoning ordinances. Some townships in Pennsylvania and a few in Ohio also have zoning ordinances. In North Carolina, most cities with a population of 5,000 or more and many smaller ones have zoned areas extending 1 mile outside their corporate limits. Except for a few open country zones, including agricultural, conservation, and flood plain zones, urban-type districts were usually established.

Local governments look to their State legislatures for authority to zone. Zoning powers have been granted all counties in the 11 Appalachian States, except Alabama and the Carolinas, where only selected counties may zone.

The zoning enabling statutes which grant zoning powers designate the areas that may be zoned and the kinds of zoning regulations that may be adopted by local governments. The local governments may exercise all of the powers granted, some of them, or none at all.

In 1966, the Kentucky Legislature passed one of the best planning and zoning enabling statutes in the Nation. It empowers both cities and counties. It confers broad planning and zoning powers for dealing with growth, land use, and natural resource problems in both town and country.

Careful comprehensive planning helps to assure more effective zoning, whether it be of the urban fringe only or of the open country. Factual information needed for preparing comprehensive plans for the two kinds of areas differs materially. A major objective of planning and zoning on the urban fringe is to guide residential, commercial, and industrial growth. Land use conflicts and wasteful suburban sprawl requiring excessive outlays for public facilities must be avoided. In the open country, primary planning and zoning objectives are to foster the development, orderly use, conservation, and protection of natural resources. Appalachia is predominantly open country. Comprehensive county planning, therefore, requires information about the mined areas, agricultural land, soils, water, forests, recreation, and fish and wildlife of the area, and their potentials for development and use.

Rural planning and zoning in Appalachia might be designed to do several things: To foster restoration and economic use of reclaimed mined areas, to facilitate the blocking up of forest areas, to guide summer home seekers to areas where public services can be economically provided, to protect existing and potential water-oriented and forest-oriented recreation areas, to prevent waste of tax money as a result of the construction of excess roads, sewers, water mains, and other service facilities, to guide suburban encroachment into rural areas, and to protect roadsides from distracting clutter.

SUGGESTIONS FOR PLANNING AND ZONING IN APPALACHIA

by

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ENABLING STATUTES AND ZONING ORDINANCES

Enabling statutes are laws passed by State legislatures. These statutes confer planning and zoning powers on counties or other local government units. Local governments may exercise only such powers as are granted. The legislature may designate the areas that may be zoned.

Zoning ordinances and related regulations are local laws passed by counties or other government units. Zoning enabling statutes merely grant the power to zone to counties or other governments or agencies; the ordinances zone the land.

Zoning powers granted are usually permissive rather than mandatory. This means that a county, for example, may exercise all the powers granted, some of them, or none at all.

Zoning is carried out by dividing a community into several kinds of districts. Separate districts can be established for farming, homes, business, industry, forestry, recreation, watersheds, flood plains, and so on. Then, suitable kinds of zoning regulations can be applied in each type of district. These regulations will differ from district to district. For example, regulations applied in agricultural and forestry districts will be different from those applied in residential districts.

THE COMPREHENSIVE PLAN

Zoning must be preceded by planning. Zoning ordinances and regulations not based on carefully considered master plans are doomed to failure.

But what is planning? Planning is said to be the working out of a method for getting what a group wants in the future. The overall plan for a county is usually called a comprehensive plan. A comprehensive plan shows how a county can best use what it has to become the kind of a place it wants to be. It specifies how present and future improvements, and uses of land and other natural resources should be related. It is a guide to both public and private development activities.

A county's comprehensive plan is usually prepared by a planning board appointed by the county governing body. The planning board's membership should include persons from all major groups--businessmen, miners, farmers, housewives, sportsmen, and so on. Because planning requires special technical skills, the board usually employs a professional planning consultant or a staff to help with the task.

In a broad sense, county planning consists of the following three steps: (1) Taking stock of what the county now has, including its problems and its potentials; (2) deciding intelligently upon what the county wants in the future; and (3) finding practical ways to get what it wants from what it has now, that is, ways to carry out the plan.

Facts Needed to Prepare the Comprehensive Plan

The first step in the gathering of facts, taking inventory, is no small task. Facts are the building materials of planners. Information will be needed about many things--existing private and public improvements and land uses, the economic base and trends, natural resources and their potentials, area problems, people, and many other items. The planning board decides what facts it needs and then collects them. Some may be available from local government sources, civic organizations, and from State or Federal agencies. To obtain others, it may be necessary to make special studies or surveys.

Appendix A, page 22, includes a checklist of types of maps and facts that have been used effectively by many counties in preparing comprehensive plans. But because counties differ greatly, some of the items listed may not be needed by a specific county. Other kinds of maps and information not included here may be required. Each county, therefore, should be guided by its own needs.

Facts about People, Improvements, and Area Problems

Factual data assembled for comprehensive planning are often shown on maps. An accurate base map will be needed. Aerial photographs and topographic and geologic maps will also be helpful. Climatic data will also be useful.

Other maps and reports are needed for presenting information about the location and condition of existing improvements, including transportation, public service, and governmental facilities. Also essential are facts about a county's present economic base. These data show the relative contribution of manufacturing, mining, trade, agriculture, forestry, recreation, and other activities to the base.

Very basic to good planning is ample information about a county's people--the number residing in the area, rate of population growth, and so on; and about schools, housing, and the educational levels and trade skills of the population. Finally, information will be needed about government in the county--local taxation, bonded debt, and proposed improvements in the area by local, State, and Federal agencies; and about existing ordinances for local planning, zoning, and related activities. Details about each class of items are included in appendix A, page 22.

Facts About Present Land Uses

Zoning divides a community into various kinds of districts--agricultural, residential, commercial, industrial, and so on. Before a community is divided into zoning districts, consideration must necessarily be given to the existing land use pattern. It is essential, therefore, that information be assembled on present land uses. Assembled information should include maps showing present land uses, and the location of industrial, business, residential, farming, forest, and recreation areas. Maps showing the location of public and private properties, and the location of farm and nonfarm residences may be helpful also (appendix A, p. 24).

Facts About Natural Resources and Their Potential for Development

A third kind of factual information that can be very helpful in preparing a comprehensive plan is that on natural resources. Planners need to be informed about the soil, agricultural operations, water, recreation areas, forests, fish and wildlife of an area, and their potentials for development. In Appalachia, especially, adequate information is needed about strip-mined areas and their potential for reclamation (appendix A, p. 25).

Planners, especially urban and suburban planners, often fail to assemble or make full use of information on natural resources.

Use of data on soil.--Land use capability ratings and maps have been used for many years for ascertaining areas most suitable for farming. They have also been used for establishing the boundaries of farm zoning districts. Both the most productive agricultural areas and the submarginal farming areas can be identified. Similar capability ratings are equally useful for locating and delimiting areas that are appropriate for forestry, recreation, other open country activities, and for other kinds of zoning districts.

Soil survey interpretation data and maps have been developed in recent years. These maps indicate suitability of soils for urban as well as rural uses, including suitability for heavy building foundations, roads, homesites, sewage effluent disposal, and many other uses. In the planning process, another practical use of data on soil is to aid planners with problems stemming from soil erosion in urban and suburban areas (appendix A, p. 25).

Use of agricultural data.--Land use capability ratings are widely used in preparing comprehensive plans for the zoning of rural areas. Planners often overlook the value of related agricultural data such as that on, among other items, acreage and value of farmland and improvements; size, type, and ownership of farms; and value of irrigation, drainage, and conservation facilities. Also overlooked is the value of data on the type and value of crops harvested and of livestock and poultry produced, as well as that on employment in agriculture.

Data on the relationship of the farm economy to the nonfarm economy should not be overlooked. Urban enterprises which are most oriented to agriculture are farm supply and service firms, marketing outlets, processing

industries, and related businesses. Pertinent planning data on these businesses should include number of firms in each category, and the investments, gross sales, number of employees, and payroll of each (appendix A, p. 26).

Data needed on water resources.--Information about water resources is vital in preparing a comprehensive plan. New industries, growing suburbs, and developing recreation areas all require ample water of good quality. Data assembled might include information about streams and watersheds, dams, lakes, ponds, and other bodies of water and channels; sources of ground water; degree of water pollution; water quality; and flood plains, wetlands, and swamps. Other information related to water may be needed also (appendix A, p. 27).

Facts needed for planning recreational facilities.--To prepare a good comprehensive plan, a planning body must have data on the recreation facilities of an area. First, the planners need facts about existing public and private recreation facilities such as parks, beaches, campgrounds, picnic areas, fishing waters, resorts and vacation farms, summer homes, and historic sites. Second, they need information about potential recreation areas (water-or forest-oriented), such as those suitable for scenic drives, parks, and so forth; historic sites; and farmsteads suitable for summer homes or other recreational activities (appendix A, p. 27).

Facts needed to plan for the restoration and development of forestry.--In Appalachia, planning groups need information about both existing and potential forestry. Information on existing forestry should include maps and data on public and private forest acreage; forest industries, their production, and payrolls; forest economics; and taxation. Consideration of forestry potentials calls for information about marginal and abandoned farms and other idle land, and about acreage and reclamation potentials of mined areas. Forests may grow where forests once grew (appendix A, p. 27).

Information needed on old and new fish and wildlife habitat.--Information about existing and potential fish and wildlife habitat might include facts about present wildlife preserves, public and private hunting grounds, bodies of water, streams, swamps, and wet areas. It might also include facts about other appropriate areas that might be developed for hunting or fishing, such as mined areas (appendix A, p. 28).

Data needed on mined areas.--Local planning units in Appalachia must gather adequate information about the extensive mined areas in the region. This information might include data on the location and acreage of these areas, the type of soil and vegetation existing in them, waters adjacent to them, and other items. Many mined areas may be suitable, after reclamation, for forestry, grazing, hunting, fishing, or other recreational purposes (appendix A, p. 28).

What the Comprehensive Plan Includes

The second step in the planning process is to prepare plans based on the information collected. A comprehensive plan usually consists of three closely related parts--a physical plan, a land use plan, and a plan for use and development of natural resources. To be practical, the plan must necessarily include only proposals for projects that can be financed.

Again, helpful checklists are included in appendix A. The lists include plans and proposals that may be considered for inclusion in the comprehensive plan. Once more, one needs to stress that all of the many items listed may not be needed for planning in a particular county, but the lists do provide a helpful reference and starting point. The checklist is divided into three main parts: plans and proposals for economic, civic, and social development; land use plans; and plans and proposals pertaining to natural resources (appendix A, p. 28).

Physical and Social Plans

A physical plan outlines the character and location of future roads, streets, parkways, bridges, playgrounds, parks, schools, aviation fields, public utilities, and other public and semipublic properties. The unwise location of such properties will tend to generate pressures for development that may frustrate efforts to implement a logical land use plan. See part 1 of the checklist for plans for improving transportation and utilities; and studies and plans for expanding and protecting the economic base, including those for expanding business, industry, and agriculture.

In addition, a comprehensive plan will include appropriate plans for schools, parks, and homes; and for cultural, health, and welfare facilities. Finally, planners must give thought to local government and finance--to public improvements, taxation, the economy, and operational efficiency (appendix A, p. 29).

Land Use Plans

A land use plan outlines what thoughtful men have suggested to be the most appropriate future uses of the various land areas in a community. It indicates the general location of districts for residences, business, industry, farming, forestry, recreation, watersheds, conservation, open space, and other purposes. Land use often starts, as we have seen, with a survey to assemble information for the preparation of a map showing the present use of each parcel of land in the community. A community's present land use pattern, however, does not constitute a land use plan. It is only a base from which to start. Many factors are considered in determining uses for land. Included, among others, are population growth or decline; economic trends; business, industrial, and residential growth, if any; suitability of soils; availability of essential natural and other resources; and, of increasing consequence, community objectives.

Land use plans may include suggested areas for farming, forestry, homes, recreation, business, industry, schools and other public facilities, and open spaces; and a map showing proposed zoning districts (appendix A, p. 30).

Plans and Proposals for Natural Resources

A plan for use and development of natural resources suggests ways of making the best use of natural resources, including land and soils, water, forests, fish and wildlife, and areas that may potentially be used for recreation.

Decisions as to the best use of natural resources reflect both long-term and short-term benefits to public as well as private enterprises. Appendix A contains a variety of plans and proposals for natural resources that may be included in the comprehensive plan. They include measures for avoiding damage from soil erosion, plans for fostering and protecting agricultural production, and proposals for making the best use of water, forests, recreational facilities, and other resources.

Agriculture.--With information on land use capabilities, crop acreage, value of farms, irrigation and drainage improvements, value of crop and livestock production, and investment and employment in agricultural industries (appendix A, p. 31), local planning groups can prepare or have prepared reports on trends in crop and livestock production and on the types of agricultural production best suited to the area. Plans can be formulated for initiating shifts to the most profitable agricultural production, including plans for possible intensification or extensification of certain operations. Other plans might be directed toward fostering and protecting agricultural production and related business by initiating irrigation, drainage, land development, and soil conservation improvements.

Assembled information about the relative importance of a county's soil base to its economy, and about soil suitability both for crop production and for other uses, will permit an informed allocation of land resources for agriculture, forestry and recreation, subdivisions, and other nonfarm uses (appendix A, p. 25).

Water.--Having assembled information about sources of water, improvements in water facilities, and water problems in a county, local units can proceed to plan water projects. Planners will also need to be aware of existing Federal, State, and municipal plans and studies pertaining to river basins, and of utilities that are of concern to a county. Certain dam and water improvements may be both feasible and needed. Possibly some damsites should be reserved, and municipal watersheds protected. Development of ground waters might be suggested where needed, and water pollution prevented. Plans might be drawn up for the prevention of flood damages and the development of facilities to provide additional water for recreational, municipal, or industrial purposes (appendix A, p. 32).

Recreation.--Among appropriate plans for recreational development suggested in appendix A are those for the provision or development of parks, playgrounds, public beaches, camping areas, summer homes, trails for hiking or for horseback riding, public and private hunting reserves, and reservoirs for various recreational uses. Some mined areas possibly can be developed for recreation activities such as fishing, hunting, swimming, camping, and picnicking. (See appendix A, p. 33.)

Forestry.--Reforestation of barren land promises future forest products and employment, less erosion, clearer streams, better hunting and fishing, and a more attractive countryside. Forestry plans might include measures for facilitating the enlargement and blocking in of public and private forest land, proposals for reforestation of marginal farmland and other idle acreage, and programs for planting suitable mined areas to trees, preferably commercial varieties (appendix A, p. 34).

Fish and wildlife.--Enhancement of fish and wildlife values is an added dividend that can accrue from wise planning and development of other natural resources, especially farmland, forestry, and water. Potential dividends should not be overlooked in planning reclamation of mined areas.

Planners might give consideration to a variety of proposed programs. Among these are programs for improving fish and wildlife habitat on both private and public lands, developing wildlife sanctuaries, creating private shooting preserves and game farms, establishing cooperative projects between farmers and local sportsmen's groups to improve habitat and permit access by hunters and fishermen, leasing or purchasing fishing and hunting rights from landowners by a State agency, and setting up cooperative agreements between State agencies and owners of forest and other land to allow public hunting and fishing (appendix A, p. 34).

Mined areas.--Proposals for reclaiming mined areas will necessarily vary from place to place, depending on local problems. The problems may be covered or destroyed surface soil, erosion and silting of streams and bottom lands, acid leaching and contamination of waters, or all of these. The aim of reclamation presumably should be to achieve the highest capability of land or water resources.

Depending on quality of soil and water and the cost involved, mined areas have been reclaimed for row crop farms, orchards, pasture, forestry, State parks, and for recreational activities such as fishing and hunting, boating, camping, and picnicking. Successful land reclamation is greatly facilitated by preplanning and proper placement of soils (appendix A, p. 34).

Ways To Carry Out The Comprehensive Plan

One of the steps in the planning-zoning process is to find ways to implement the comprehensive plan. The comprehensive plan will provide overall guidelines, but practical ways of putting the comprehensive plan into effect must be found. Both public and private improvement and development programs will need to be oriented toward the overall objectives. A comprehensive plan is carried out in two ways--by government and by private individuals and agencies. Most of the construction in a community is done by private persons and concerns who develop property for residential, business, industrial, or other purposes. The success or failure of a plan will depend most on the cooperation obtained from these developers. Although a good plan may be expected to receive support from all groups, the community will need to keep a directing hand on the reins. It can support; it can educate; and it can give formal guidance.

Here are some ways to carry out the comprehensive plan:

1. Adopt the comprehensive plan to guide future growth.
2. Program the proposed improvements for several years ahead, indicating priorities.

3. Conduct an active educational program by means of local meetings, newspaper, radio, and so on, to explain the objectives of the plan to all the people and to win their support. The potential of local advisory committees for first, educating while formulating the comprehensive plan and zoning ordinance and second, gaining popular acceptance and support for the plan and ordinance, should not be overlooked.

4. Pass a sound subdivision ordinance. Subdivision control is regulation of the way raw land is subdivided into lots or tracts and made ready for development. It is concerned with the layout of proposed subdivisions. Subdividers are often required to construct streets, curbs, and sidewalks; and to install sewers, water mains, and other utilities and services.

Subdivision regulations and building and sanitary codes are helpful community controls for assuring the development of desirable residential areas.

5. Pass a good building code. Building codes provide certain minimum standards and regulations for assuring safe and stable (1) design, (2) methods of construction, and (3) use of materials and equipment in buildings and structures, and for assuring safe maintenance, use, and occupancy.

6. Pass a sanitary code. Sanitary or plumbing codes require compliance with minimum standards of workmanship and materials in the installation, alteration, maintenance, and repair in dwellings and other buildings of pipes, fittings, fixtures, and other appliances for the conveyance of water, sewage, and gas.

7. Pass a good zoning ordinance. The zoning ordinance will permit the community to set aside suitable areas for residences, business, industry, forestry, and recreation, as well as for farming and other open country uses.

Here one should stress again that zoning is a county's most useful formal tool for guiding growth and development in accordance with the overall objectives of the comprehensive plan.

ZONING REGULATIONS AND THEIR USES

Planning and zoning are closely related, but the two should not be confused. In general, planning embraces zoning, and zoning may not entirely exclude planning. But they do not cover identical fields of activity.

Zoning is "the regulation, by districts under the police power, of the height, bulk, and use of buildings; the use of land; and the density of population." ^{1/} This definition embraces the four main groups of zoning regulations often termed building-size regulations, building-tract (area) regulations, density-of-population regulations, and use regulations.

Here is a large package of related regulations that may be used to attain a variety of county ends. Most of these are useful in areas on the urban

^{1/} Bassett, Edward Murray. Zoning. Russell Sage Foundation, New York, 1936.

fringe where land is used intensively for specific purposes, or in populous areas; only a few are useful in farm, ranch, or forestry districts.

The most important of these regulations are "use" regulations. These regulations permit local governing bodies to divide a county into several kinds of zoning districts. Separate districts can be established for farming, homes, business, industry, forestry, recreation, flood control, conservation, and so on. In the future, in each kind of district, only those proposed uses of land, buildings, and structures that are consistent with other uses need be allowed to become established; harmful uses can be excluded. In the future, unwise mixtures of land uses can be avoided and land uses that may conflict can be kept apart.

Building-tract regulations may be employed to set minimum restrictions on size of lots or tracts, setbacks, side and rear yards, and permissible lot coverage. Building-size regulations may be used to restrict the height and size of buildings and other structures, and the number of stories permissible in them.

Building-tract and building-size regulations may be used to influence population densities and to assure adequate light and air around buildings. In areas with large lots and one-story houses, population densities are low; while in areas with small lots and multistory houses, population densities are high.

These four main types of zoning regulations are very flexible. They can be used in a number of ways in towns; on the urban fringe; and in the open country areas, including forestry, recreation, and farm zoning districts, to attain community objectives. Zoning can be used to protect existing property values, to foster the development of new values, or to do both.

GRADATIONS IN STATE CONTROL OF ZONING REGULATIONS^{2/}

Better zoning on a wider scale would probably result if the Appalachian States exercised a stronger hand in local planning-zoning programs. The degree of control exercised might vary greatly, depending on the type of zoning planned, the area, and the State.

Rural zoning enabling laws show seven gradations in the manner and degree of control exercised by the States over the character of rural zoning regulations. The degree of control ranges from merely granting permissive zoning authority to passing State-enacted zoning ordinances. These gradations suggest various ways available to a State for attaining desirable zoning ends.

1. The passing of a permissive enabling law is the usual means employed by a State to influence the character of rural zoning regulations. A State may grant zoning powers to some classes of its rural governments and withhold them from others. Moreover, an enabling law that

^{2/} Adapted from "Rural Zoning in the United States" by Erling D. Solberg. U. S. Dept. Agr., Agr. Inform. Bul. 59, Jan. 1952.

confers zoning power may authorize a county to adopt certain types of zoning regulations and may indirectly or expressly prohibit others. The choice as to types of regulations to be enacted is that of the local legislative body.

The typical enabling law prescribes the maximum limits on permissible zoning regulations, but does not require their adoption.

2. Another means employed by States to exercise control over the character of rural zoning regulations is, no doubt, that of aiding local governments with their planning and zoning problems by providing technical guidance, as is done, for example, in Michigan, Nebraska, and Wisconsin. The legislature designates a State or a regional agency to prepare the original zoning plan. Local planning boards are frequently authorized to cooperate with other planning boards or agencies-- Federal, State, regional, or local. Today many counties are taking advantage of Federal assistance for planning available under the program outlined in section 701 of the Housing Act of 1954. ^{3/}

However, although technical advice and assistance are provided by a State, the final decision on adoption is made by the local community. Only regulations that are deemed suitable need be adopted; the community may decline or fail to zone.

3. A few States use a third technique to influence the nature of rural zoning regulations. In the usual enabling law, the legislature limits the choice of regulations for adoption to permissible zoning regulations by granting local governments the authority to adopt certain types of regulations and by expressly or indirectly prohibiting the adoption of other types. Only certain procedural steps in the zoning process are mandatory and must be complied with if the community decides to zone. In a few enabling laws, the legislature limited the choice of zoning regulations by requiring the community, if it zones, to impose regulations of a designated character. Examples of such enabling statutes are (1) Oklahoma acts which specify the characteristics and types of zoning districts that must be created if an ordinance is adopted, ^{4/} (2) a Tennessee statute which excludes from residential districts all nonresidential facilities except those enumerated, ^{5/} and (3) a Florida law which requires a 30-foot setback along named roads. ^{6/} Under these laws, both zoning procedures and certain zoning regulations are mandatory, if the unit of government decides to zone.

^{3/} Section 701 of the Housing Act of 1954, as amended, authorizes Federal grants to supplement State and local funds for financing timely and comprehensive planning.

^{4/} Okla. Stat. Ann., tit. 70, secs. 1307.1 to 1307.14 (Supp. 1963)--Okla. Laws 1953, pp. 387-389, as amended 1957, p. 522. Okla. Stat. Ann., tit. 73, secs. 83.1 to 83.11 (1951) and (Supp. 1963)--Okla. Laws 1953, pp. 405-407, as amended 1957, pp. 521-522.

^{5/} Tenn. Private Acts 1939, ch. 473, as amended 1947, ch. 288, 1951, ch. 246.

^{6/} Fla. Spec. Acts 1949, ch. 26170; 1951, ch. 27826; 1957, ch. 1751.

4. A fourth and more direct method of controlling the character of rural zoning regulations is employed in a few States. These States reserve the right to review and veto. In Michigan, county zoning ordinances must be approved by the State Department of Economic Development before they become effective. 7/ A Kansas law requires approval of local zoning regulations by a State agency. 8/ The veto may be used to get desirable regulations if the community is strongly inclined to zone.
5. A roadside zoning enabling law in Florida illustrates a fifth and more far-reaching approach. This statute directs and authorizes the Duval County Planning Council to divide highway protective areas into five classes of districts--commercial, industrial, residential, recreational, and agricultural. 9/ This law is mandatory. The community is ordered to zone, and five types of zoning districts are prescribed. The area of local discretion has been greatly narrowed in the interest of the larger community.
6. A sixth approach is illustrated by a Hawaiian law. This law empowers and directs a State agency to place all land in the islands in one of four types of zoning districts--agricultural, rural, conservation, and urban. 10/ The State zoning regulations provide a framework within which the counties may apply additional zoning regulations. County zoning regulations must not conflict with the State zoning regulations.
7. The seventh and final gradation is exemplified by laws in Alaska, 11/ Florida, 12/ North Carolina, 13/ Mississippi, 14/ and Oklahoma. 15/ Under these laws, local zoning regulations in specified areas are directly imposed by the State legislature or by a State agency, and not indirectly through its usual instrumentality, the local government.

Under the four enabling laws explained in items 1, 2, 3, and 4 above, the final decision is made by the local unit of government, which may decline to zone. Under the remaining three laws the final decision is made by the State.

7/ Mich. Stat. Ann., secs. 5.2961(1) to 5.2961(32) (1958) and (Supp. 1963).

8/ Kan. Gen. Stat. Ann., secs. 75-3619 and 75-3620 (Supp. 1961), as amended Kan. Laws 1963, ch. 430.

9/ Fla. Spec. Acts 1939, ch. 19793; Fla. Laws Extra Sess. 1949, ch. 26421; Fla. Spec. Acts 1955, ch. 30710.

10/ Hawaii Rev. Laws, secs. 98H-16 (Supp. 1961), as amended, Hawaii Laws 1963, ch. 206.

11/ Alaska Laws 1966, ch. 47.

12/ Fla. Spec. Acts 1949, ch. 25887, as amended 1951, ch. 27608; 1951, ch. 27933; 1953, ch. 29548; and Fla. Spec. Acts 1947, ch. 24580; 1949, ch. 25888; 1951, ch. 27933; 1953, ch. 29548.

13/ N. C. Laws 1957, ch. 1201.

14/ Miss. Code Ann., sec. 8038(n) (1956) and (Supp. 1962).

15/ Okla. Stat. Ann., tit. 70, secs. 1307.1 to 1307.14 (Supp. 1963); and Okla. Stat. Ann., tit. 73, secs. 83.1 to 83.11 (1951) and (Supp. 1963).

GOVERNMENT UNITS AUTHORIZED TO ZONE IN THE APPALACHIAN REGION

All counties in 8 of the 11 Appalachian States--Georgia, Kentucky, Maryland, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia--may zone (fig. 1). In the remaining three States--Alabama and the Carolinas--selected counties only may zone. Of the 33 counties in Alabama within the Appalachian Region, only Jefferson county may zone. In North Carolina, on the other hand, most of the counties within the Appalachian Region have zoning powers. But of these six counties in South Carolina, only Anderson, Greenville, and Spartanburg may zone. 16/

Ohio and Pennsylvania have conferred zoning powers upon all of their towns or townships. In Alabama, Kentucky, and Tennessee, all or selected cities may zone areas outside their corporate boundaries for stated distances ranging from 1 to 5 miles, depending on the enabling statute. (See fig. 1 and appendix C.)

Zoning by towns or townships tends to supplant zoning by counties, if both units of government may zone. Extraterritorial zoning is an alternative to county zoning on the nearby urban fringe.

A very comprehensive planning and zoning enabling statute was adopted by the Kentucky Legislature in 1966. 17/ The act empowers both cities and counties. It authorizes planning by counties and cities independently, jointly, or within a regional unit. Broad zoning powers are conferred, including authority to establish a variety of natural resource districts and districts for exclusive uses; to exempt agricultural land from zoning regulations; to grant conditional use permits; to establish interim zoning and other regulations; and to issue official maps.

AUTHORIZED OBJECTIVES OF ZONING IN THE APPALACHIAN REGION

The enabling statutes passed by State legislatures usually indicate the objectives that local governments may seek to attain through zoning. Many statutes provide that zoning regulations must be made in accordance with a comprehensive plan and designed to achieve certain designated objectives.

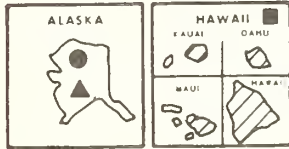
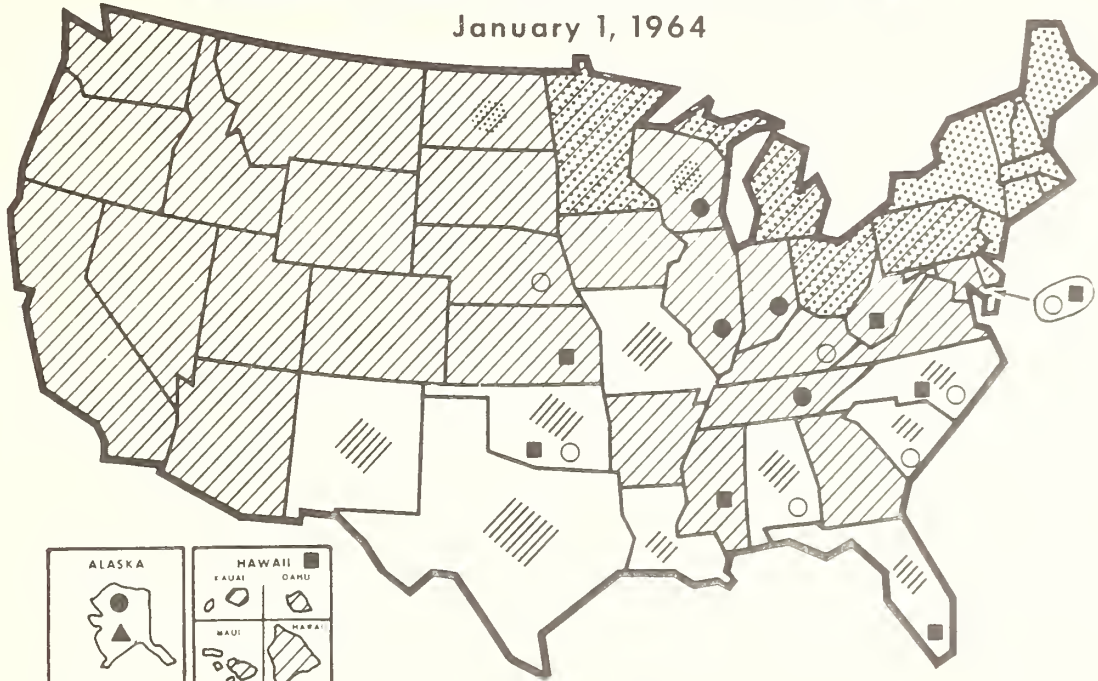
Among the more traditional objectives of zoning by both urban and rural governments are the following: (1) To lessen congestion in the streets; (2) to secure safety from fire, panic, and other dangers; (3) to promote health and the general welfare; (4) to provide adequate light and air; (5) to prevent the overcrowding of land; (6) to avoid undue concentration of population; and (7) to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

16/ See appendix C for legal citations to zoning enabling statutes in the Appalachian States.

17/ Ky. Acts 1966, ch. 172.

RURAL ZONING ENABLING LEGISLATION

January 1, 1964



EMPOWERED TO ZONE

- | | |
|---------------------------------|-------------------------------------|
| All counties | Any city, extraterritorially |
| Selected or classes of counties | Selected cities, extraterritorially |
| All towns or townships | Specified State agencies |
| Selected towns or townships | Organized baroughs |

U. S. DEPARTMENT OF AGRICULTURE

NEG. ERS 3145-64 (9) ECONOMIC RESEARCH SERVICE

Figure 1

Most of these traditional zoning objectives, suggested by the standard State Zoning Enabling Act, 18/ are included in the zoning enabling statutes, both of general and local application, of all of the Appalachian States. 19/

Among newer objectives listed in the zoning enabling statutes of Alabama, Pennsylvania, and South Carolina are the following:

1. To protect development of urban and nonurban areas.
2. To conserve and develop natural resources.
3. To foster agriculture and natural resources.
4. To protect the food supply.
5. To conserve the tax base.
6. To secure economy in governmental expenditures. 20/

To protect property values, promote desirable living conditions, promote sustained stability of neighborhoods, reduce waste of excessive roads, and to prevent wasteful scattering of population and settlement are others found in the zoning enabling statutes of one or more of these States. 21/

Most of these newer zoning objectives are possibly embraced by the traditional objective, "to promote health and the general welfare," which is included in the zoning enabling statutes of most Appalachian States.

ZONING ORDINANCES IN THE APPALACHIAN REGION

Zoning ordinances have been adopted by an estimated 19 counties in the Appalachian Region (table 1). In Pennsylvania, only the more populous townships, cities, and boroughs are zoned. Although many townships in Ohio are zoned, only a few of these are in the Region. In North Carolina, most municipalities with a population of 5,000 or more and many smaller ones are zoned, including areas usually 1 mile outside the boundaries. Data about extraterritorial zoning by municipalities in the Carolinas and Alabama were not obtained.

In terms of ordinances adopted, the zoning record in the Appalachian Region is neither better nor worse than that in the Nation as a whole. Although three-fourths of the 3,000 counties in the United States have zoning powers, less than 450 have zoned. Also, only about 10 percent of the 17,000 organized towns or townships have zoned. Usually only the more populous counties and towns or townships pass zoning ordinances.

TYPES OF ZONING DISTRICTS ESTABLISHED IN THE APPALACHIAN REGION

Zoning ordinances of rural governments usually establish residential, commercial, and industrial zoning districts. Some ordinances establish only

18/ A Standard State Zoning Enabling Act, U.S. Dept. Com., 1926.

19/ See appendix C (Ala. 1c; Ga. 1c; Ky. 1c; Md. 1c; N.C. 1c; Ohio 1c; Penn. 1c, 2c; S.C. 1c; Tenn. 1c; Va. 1c; W. Va. 1c).

20/ See appendix C (Ala. 1c; Penn. 1c, 2c; S.C. 1c).

21/ See appendix C (Ala. 1c; S.C. 1c, Ga. 1c; Penn. 1c, 2c; W. Va. 1c).

Table 1.--Local governments in the Appalachian Region that have adopted rural zoning ordinances, by States, June 1966

State	Government units	
	County	Other
Alabama	Jefferson	
Georgia	Gwinnet Floyd Douglas	Unincorporated areas <u>1/</u>
Kentucky	Clark	Unincorporated areas <u>1/</u>
Maryland	Allegheny	Unincorporated areas <u>1/</u>
North Carolina	Polk Surry Wilkes	Many small municipalities <u>2/</u>
Ohio	Clermont	A few townships
Pennsylvania		Some populous townships
South Carolina		
Tennessee	Anderson Hamilton Jackson Knox	Unincorporated areas <u>1/</u>
Virginia	Botetourt Roanoke Pulaski	Unincorporated areas <u>1/</u>
West Virginia	Ohio Wood	Unincorporated areas <u>1/</u>

1/ Authorized by counties only.

2/ Municipalities with a population above 5,000 and many smaller ones have zoned extraterritorially for 1 mile outside their boundaries.

one district of each type, but many ordinances establish several of each type. The zoning ordinances of urban governments create similar types of districts.

Rural zoning ordinances also establish many kinds of districts in the open country. These additional types of districts are needed because the problems and objectives of rural areas differ from those of urban areas. Among the new types of rural zoning districts established in selected western and central States are forestry and recreation districts, flood plain, watershed, and several kinds of agricultural and conservation or conservancy zones.

Zoning ordinances of seven selected counties in the Appalachian Region have established the usual urban-oriented residential, commercial, and industrial zones. In addition, one or more of the ordinances have established conservation-oriented districts such as agricultural, forestry-agricultural, agricultural-residential, conservation, and flood plain zones (table 2). In the future, other types of conservation-oriented zoning districts probably will be created to facilitate the restoration and protection of the region's remaining natural resources.

A classification of zoning districts prepared as a working tool in zoning research may be helpful to local groups setting up new zones in Appalachia. This classification is based on zoning districts established by counties in Arizona, California, Colorado, Indiana, and Iowa (appendix B). Zoning districts were grouped into the following six main classes: Agricultural and conservation, farm-residential fringe, residential, business or commercial, industrial or manufacturing, and miscellaneous and residual. Each main class was divided into several subclasses. Agricultural and conservation districts, for example, were divided into the following three subclasses: agricultural, forestry and recreation, and conservation districts. Agricultural districts in turn were divided into five subclasses. Forestry, recreation, and conservation districts were also subdivided.

Certainly every county will not establish all of these types of zoning districts; each county will create only the types it needs. The number of kinds established by a county may range from three or four to a dozen or more, depending on its needs.

ZONING LESSONS THAT MAY BE LEARNED FROM WISCONSIN

Wisconsin's zoning experience in counties with cutover lands in the 1930's may be helpful to local units setting up zoning programs in some of the Appalachian States. The zoning problems and objectives of these counties at that time are similar in some ways to those of government units in Appalachia.

The following were among the zoning objectives of the counties in northern Wisconsin: (1) The separation of forest land from farmland; (2) facilitation of the blocking up of ownership of public and private forests; (3) prevention of the waste of labor and capital on barren land, and the guiding of prospective farmers to better soils in established farm communities; (4) reduction of the hazard to new forests of clearing and brush-burning

Table 2.--Types of zoning districts established by selected counties in the Appalachian Region, June 1966

Type of district	County									
	Jefferson (Ala.)	Gwinnet (Ga.)	Allegheny (Md.)	Clermont (Ohio)	Hamilton (Tenn.)	Jackson (Tenn.)	Knox (Tenn.)			
Agricultural				X	X		X			
Forestry-agricultural										
Conservation				X		X				
Flood plain or hazard		X								
Agricultural-residential		X								
Estate										
Rural residential				X			X			
Suburban residential					X					
Single-family residential		X								
Residential A		X								
Residential B							X			
Lakeside residential							X			
Urban residential										
Multiple residential		X	X		X					
Tourist court & motel							X			
Local commercial					X					
General commercial		X		X	X		X			
Shopping center		X	X		X		X			
Wholesale & light industrial							X			
Light industrial		X								
General industrial		X		X	X		X			
General	X									
Unclassified							X			

1/ Interim ordinance.

2/ County has 3 types of single-family residential zones.

fires; and (5) reduction in outlays of local governments for roads, schools, and other services.

Zoning objectives in the Appalachian Region might include (1) blocking up of ownerships in forest areas; (2) guiding summer home seekers to areas where public services can be economically provided; (3) protecting existing and potential recreation areas--both water-oriented and forest-oriented--from distracting and harmful land uses; (4) avoiding increased local taxes as a result of unnecessary duplication of roads, water and sewer mains, and other public facilities and services; and (5) guiding the development of residential, commercial, and industrial areas.

The zoning ordinances in the counties of northern Wisconsin were enacted under provisions of a permissive enabling statute. The State maintained some control over the zoning regulations of these counties by providing them technical assistance in planning, in drafting the zoning ordinances and regulations, and in explaining zoning to the local people. Educational meetings were held at which persons from the University of Wisconsin, the State Conservation Commission, the Office of the Attorney General, and other State and Federal agencies spoke.

To begin, the counties with cutover lands established only two or, at the most, three types of zoning districts--forestry, forest-recreation, and unrestricted zones. Large areas of land that were submarginal for farming were enclosed in forestry and recreational zoning districts. Within these zoning districts, land was permitted to be used only for forests, recreation, and certain related purposes. Use of land for any other purpose was prohibited, including use for the establishment of new farms.

Preventive Zoning Versus Remedial Zoning in Northern Wisconsin 22/

Zoning regulations are usually adopted to further three objectives: To protect existing community property values, such as forest-recreational, agricultural, or residential areas; to prevent conflicts in land uses in the future, particularly in fast-growing communities; and finally, but usually of minor significance, to help correct existing conflicts in land uses. The first two objectives may be attained by zoning restraints whose force and effects are primarily preventive.

It has often been said that rural zoning regulations will not operate retroactively except in those instances when the ordinance provisions prohibit the reestablishment of nonconforming uses that were once discontinued. After a maladjusted pattern of land use has been established, zoning can prevent further deterioration in neighborhoods, but zoning alone can do little to repair damage to them.

22/ Adapted from "New Laws for New Forests" by Erling D. Solberg. Univ. Wis. Press, Madison, 1961.

However, in the counties of northern Wisconsin, restoration was not made possible by zoning ordinances alone. Instead, a complex of zoning and other resource restoration laws and programs enabled the counties to correct previous mistakes made in land use.

Past errors in the management of forest lands resulted in charred stump prairies, and eliminated the profits from a cycle of forest growth. Past errors also resulted in impaired recreational facilities; these included silted lakes. Permitting a haphazard land use pattern to develop without regard to land use capabilities resulted in a waste of much labor and capital on barren land. Closely associated and equally unwise was the establishment of many isolated farms which increased the hazard of forest fires, and the cost of providing roads, schools, and other public services.

In the aggregate, the remedial program had to operate retroactively. What the fires had destroyed, nature, aided by man, had to replace with natural reproduction and plantings, and this new forest growth had to be protected from fire. Adequate protection was finally provided after primary responsibility for forest protection was transferred to the State. New forests were still not assured unless equitable taxation of forest land and trees was guaranteed and the counties were legally empowered and financially able to establish and administer county forests. These gaps in the legal structure were closed with the adoption of the Forest Crop Law and the County Forest Law.

Idle cutover acres that no one had wanted took on new value. When individuals, corporations, and the counties started assembling acreage for forests, the slow process of reshaping the prevailing maladjusted pattern of land use began. As the assemblage of forest land continued and lands that were more suitable for growing trees than for other purposes were turned into forests, the zoning ordinance operated ratchet-like to hold the gains. Although the task of zoning within the group of interrelated resource restoration laws was preventive, that is, to maintain from year to year the changing status quo, the effect of zoning in its operative setting was largely retroactive.

ZONING MEASURES IN APPALACHIAN COUNTIES

In the future, the object of zoning in counties of the Appalachian Region probably will be (1) to correct existing conflicts in land uses, and (2) to prevent new mistakes in the use of land.

Establishing a better land use pattern in Appalachia may be a time-consuming and difficult task. Facts about natural resources and other resources in the county will need to be assembled and evaluated. Development plans of other governments--local, State, and Federal--and of private investors will need to be taken into consideration. After that, a comprehensive plan should be prepared.

A county's comprehensive plan and related area plans and programs will provide some guidelines as to the most appropriate future use of land areas. Large areas of marginal farmland, denuded hills, and mined wasteland probably

can be used for forests. Other areas of marginal farmland and woodlands may be valuable for summer homes. Certain mined wastelands can perhaps be reclaimed for pasture, or used as hunting grounds.

Presumably there are agricultural areas of marginal quality that may be profitable for growing field and row crops or that may be used for pasture on enlarged operating units.

Areas of great scenic beauty, and those with attractive waters may be used, among other things, as resorts and for summer cottages, camps, beaches, and for picnics.

In the counties of Appalachia, as in those with cutover lands in northern Wisconsin, zoning can be used in conjunction with other remedial programs to establish a more rational pattern of land use. A number of regulations can be put into effect and several types of districts can be established. ^{23/} Some new types of zoning measures may need to be designed. Zoning districts and regulations for each kind of zone should be tailored to the specific tasks at hand.

A county cannot make the desired adjustments in its pattern of land use by zoning alone; but by zoning, it can hold the gains resulting from other related remedial programs by preventing new harmful land uses. Timely zoning is vital for the protection of some types of recreational areas, but is less urgent for the protection of other kinds of areas.

The Appalachian Region has been promised many miles of new highways in the near future--highways that cross county and State boundaries. Highway safety and efficiency, and scenic values vital to a budding recreational industry require protection of roadsides and interchanges from commercial clutter. Some counties may provide the needed protection but other counties may not. Serious thought needs to be given to authorizing roadside zoning by State or regional agencies, possibly with mandatory zoning especially in critical areas.

The region has also been promised a variety of large and small water developments. Watersheds and related flood plains are often in different counties. The same is often true of municipal watersheds and the water-consuming municipalities. Comprehensive programs for the development of water resources may burden watershed areas with regulatory measures, but downstream areas benefit from reduced flood flows and susceptibility to silt, and from more stable flows of clear waters. Perhaps zoning at the State level is necessary to further extensive water improvement programs.

On the growing urban fringe, zoning is done largely to guide community growth and to prevent developing residential, commercial, and industrial areas from being invaded by conflicting and harmful land uses. All of the counties in Appalachia, except those in Alabama and the Carolinas, have the tools they need to zone. In Alabama and the Carolinas, extraterritorial zoning by selected municipalities is authorized. In Ohio and Pennsylvania, townships may zone.

^{23/} See appendix B, "Agricultural and Conservation Districts."

Let us return once more to the zoning experience of Wisconsin in the early 1930's. That State, through its various agencies, kept a strong hand on the reins in guiding and shaping a pioneering zoning program in the counties with cutover land. It gave these counties guidance by providing technical assistance in the preparation of land use and zoning plans, in the drafting of zoning ordinances and regulations, and by initiating local education programs on zoning. Articles and bulletins explaining zoning techniques and objectives were prepared and published. Speakers from the University of Wisconsin and from various State agencies addressed local planning and zoning groups.

A similar helping hand from the State governments and State universities in the Appalachian Region will greatly facilitate the adoption of zoning ordinances and regulations, and the establishment of districts in the area. Some new and untried kinds of zoning districts and regulations may have to be designed.

APPENDIX A

CHECKLIST OF FACTUAL DATA, PLANS, STUDIES, AND PROPOSALS FOR COMPREHENSIVE
COMMUNITY PLANNING ^{1/}

I. Factual data needed

A. People and improvements

1. General information

- a. An accurate base map
- b. Aerial photographs
- c. Topographic maps
- d. Geologic maps showing--
 - (1) mineral resources, including sand, gravel, valuable clays and rocks
 - (2) rock outcroppings and landslide potentials
- e. Climatic data, including--
 - (1) temperature range
 - (2) prevailing winds
 - (3) humidity
 - (4) rainfall
 - (5) storms

2. Existing public and semipublic improvements

- a. Maps and reports on location, condition, and adequacy of--
 - (1) transportation facilities including--
 - (a) waterways
 - (b) railroads
 - (c) highways
 - (d) roads and streets
 - (e) truck and bus lines
 - (f) airports and commercial airlines

^{1/} Prepared by Erling D. Solberg, Economic Research Service, U. S. Department of Agriculture in cooperation with a subcommittee of the Land Use Planning and Zoning Committee of the Soil Conservation Society of America.

- (2) public service facilities including--
 - (a) hydro-electric and thermal plants
 - (b) powerlines
 - (c) gas plants and mains
 - (d) sewage treatment plants
 - (e) sanitary and storm sewers
- (3) government buildings and facilities
 - (a) Federal
 - (b) State
 - (c) local
 - (d) other public buildings and institutions

3. Present economic base

- a. Maps showing location of industrial and business areas and studies of the economic base of present industries
- b. Reports on trade and market areas, both local and more distant
- c. Data on employment, wage rates, and income
- d. Reports on contribution to economic base of agri-business including--
 - (1) farming and ranching
 - (2) related processing industries
 - (3) supply and service firms
 - (4) associated employment
- e. Reports of contribution to economic base of forestry, forest industries, and related employment

4. People

- a. Reports of population--
 - (1) numbers
 - (2) growth
 - (3) projections
 - (4) distribution
 - (5) characteristics
- b. Reports on location, capacity, and age of public and private--
 - (1) elementary schools
 - (2) junior and senior high schools
- c. Map showing school bus routes
- d. Reports on school enrollment, trends, projections
- e. Data on educational levels and technical and trade skills

- f. Maps and reports on location, condition, and adequacy of
 - (1) parks
 - (2) playgrounds
 - (3) other recreational facilities
- g. Maps and reports on location, condition, supply, and rate of construction of--
 - (1) one-family dwellings
 - (2) two-family dwellings
 - (3) multifamily dwellings
- h. Information on existing--
 - (1) public housing and welfare facilities
 - (2) churches
 - (3) hospitals
 - (4) health facilities

5. Government and finance

- a. Studies of local taxation and the cost of public services by type of land use districts
- b. Data on bonded indebtedness and important public improvements now under construction
- c. Data on Federal, State and local government programs in the area
- d. Data on amounts and duration of grants-in-aid by Federal and State agencies and by private foundations
- e. Copies of existing plans for physical development in the area by Federal, State, and other public agencies
- f. Copies of the present community--
 - (1) comprehensive plans
 - (2) subdivision, building, and sanitary codes
 - (3) zoning ordinance and maps

B. Present land uses

- 1. Map showing present land use and location of--
 - a. Industrial areas
 - b. Business areas
 - c. Residential areas
 - d. Farming areas
 - e. Forest areas
 - f. Recreational areas
- 2. Map showing ownership of land including--
 - a. Federal

- b. State
- c. County
- d. City
- e. Town or township
- f. Other local public ownership
- g. Private ownership

3. Maps showing location of farm and nonfarm rural residences

C. Natural resource assets and problems

1. Soil resource data

- a. Generalized and detailed soil maps
- b. Land use capability maps rating soils for agricultural uses
- c. Soil survey interpretation maps indicating soil suitability or relationship for the following: ^{2/}

- (1) business and industrial sites
- (2) schools and institutional sites
- (3) roads
- (4) homesites
- (5) sewage effluent disposal
- (6) dam sites, ponds, delineating flood plains
- (7) athletic fields
- (8) recreation areas including bridle and foot paths, golf courses, camping and picnic grounds
- (9) sources of sand, gravel, industrial clays, and borrowed materials for fill or topsoil
- (10) sanitary land fills
- (11) development of wetland for waterfowl
- (12) low, moderate, or high runoff potential
- (13) infiltration fields to recharge groundwater
- (14) woodlands, agriculture, and for determining agricultural value for tax assessment

2. Urban-suburban conservation problems

- a. Extent of sheet and gully erosion on neglected undeveloped tracts and from roadside cuts and ditches
- b. Extent of aggravated soil erosion during construction stages of subdivision development and street and road building
- c. Data on excessive sedimentation of drainage and stream channels, reduction of channel capacities, aggravated drainage problems, and more frequent floods inundating larger areas

^{2/} Adapted with additions from "Soil Interpretation for Community Planning," Mass. Dept. Com. Div. Planning and U. S. Dept. Agr. Soil Conserv. Serv., Vols. 1 and 2. (Hanover Report, undated).

- d. Information on destruction of fish, wildlife, recreational, and domestic values of streams and lake waters as a result of pollution by eroded soils

3. Agricultural resource data

Map of agricultural areas indicating location of productive and submarginal farming areas

a. Farmland and improvements

- (1) number and value of farms
- (2) cropland harvested by type of crop
- (3) acreage in woodland and other uses
- (4) pertinent features of farmland ownership pattern
- (5) information on farm tenure and use
- (6) size and type of farm: commercial, part time, etc.
- (7) extent of damage to cropland, pasture, and woodland by water and wind erosion
- (8) soil and water conservation improvements
- (9) irrigation and drainage canals and facilities
- (10) maps of farming areas showing types of farms and farm and nonfarm homes

b. Agricultural production

- (1) quantity and value of crops harvested, by type of crop
- (2) quantity and value of livestock and poultry produced, by type
- (3) employment in agriculture and payroll
- (4) agricultural industries and service trades
 - (a) number of firms
 - (b) investment
 - (c) gross sales
 - (d) number of employees
 - (e) payroll

4. Agricultural problems in suburbia

- a. High land prices that reflect nonfarm and speculative values
- b. Excessive taxes resulting from higher assessed valuations and increased tax levies to provide public services for nonfarm residents
- c. Adverse effects of nonfarm land uses on agricultural plant and operations, including lowered water tables, more frequent flooding of farmland, pollution, and increased trespass losses
- d. Objection by nonfarm residents to normal farming practices
- e. Decline in local agricultural service and marketing facilities

5. Water resource data

- a. Maps showing streams, lakes, ponds, and other water bodies
- b. Hydrologic data indicating stream flows, monthly and annual rainfall and intensity patterns
- c. Maps delineating watersheds or drainage basins
- d. Maps showing dams, canals, drainages, and ditches
- e. Map showing location, quantity, and quality of surface and groundwaters
- f. Map showing location of flood plains, swamps and wetlands, and areas with high water tables
- g. Data and maps indicating degree of pollution of surface and ground waters
- h. Data and maps indicating numbers, capacity, value, and location of farm ponds, wells, water mains, and other water related improvements

6. Recreational resource data

- a. Map showing location of present neighborhood, community, and regional parks, scenic parkways, greenbelt areas, and other open-space reservations
- b. Map indicating public and private beaches, swimming pools, ice skating areas, boat docks and marinas, fishing waters, and other water-oriented recreational areas
- c. Map indicating picnic and camping grounds, nature and hiking trails, riding stables and tracts, cycling tracts, public and private hunting reservations, scenic roads, and other outdoor recreation areas
- d. Map indicating resorts, vacation farms, summer homes, golf clubs and courses, skiing areas, restaurants, motels, and other commercial facilities servicing recreation
- e. Map showing location of baseball diamonds, tennis and volley ball courts, bowling alleys, youth centers, kiddie-lands, and similar recreation facilities
- f. Map showing historic buildings and sites, including historic homes
- g. Map indicating location of areas having high recreational potential of all kinds

7. Forest resource data

- a. Map of forested areas showing location of farms, both operating and abandoned, and tax-delinquent land
- b. Maps indicating location of recreational improvements in forested areas
- c. Studies of economics of forestry and taxation of forest resources
- d. Studies indicating--
 - (1) forest acreage, value, total volume
 - (2) annual growth

- (3) annual harvest and value of production
 - (4) total employment and payroll
 - (5) other pertinent data
- e. Data indicating investment, business volume, and employment in related--
 - (1) processing industries
 - (2) supply and service firms
- f. Studies of forest trends and potentials in area and probable future demand and needs
- 8. Fish and wildlife resource data
 - a. Maps showing present wildlife preserves
 - b. Maps and reports indicating location, ownership and acreage of land, swamp, or water areas having potentials for fish and wildlife development
- 9. Mined area restoration data
 - a. Maps and reports indicating location, ownership, acreage, soil class, vegetative cover, and adequacy of adjacent waters in strip-mined areas, abandoned quarries, and gravel pits

II. Plans to be considered

- A. Economic, civic, and social plans and proposals
 - 1. Plans for improving transportation and utilities
 - a. Plans for navigation and harbor improvements
 - b. Plans for new or improved airports and airlines
 - c. Plans for reducing number of rail-street grade crossings and providing adequate protection at crossings
 - d. Plans for off-street parking space
 - e. Maps showing location of proposed--
 - (1) interstate, primary, and secondary highways
 - (2) local roads and streets
 - f. Maps showing location of proposed--
 - (1) sewage treatment plants and facilities
 - (2) sewer mains, storm sewers and channels
 - (3) water supply facilities and water lines
 - (4) public service plants
 - (5) power, gas, and telephone lines

- g. Plans for providing additional fire and police facilities and protective services as needed
2. Economic base studies and plans
- a. Plans for fostering business, industrial, and agricultural development
 - b. Reports on market trends and changing shopping habits
 - c. Reports on trends in agricultural and nonagricultural industries
 - d. Reports on undeveloped resources of all kinds that are available in the area
 - e. Plans for expanding--
 - (1) agricultural processing industries
 - (2) farm supply and service firms
 - (3) forestry and forest industries
 - (4) tourist trade
 - f. Plans for developing new business and industry under Area Development programs
3. People
- a. Maps and reports on proposed educational facilities
 - (1) elementary schools
 - (2) junior and senior high schools
 - (3) colleges
 - (4) vocational and trade schools
 - b. Plans and reports on proposed programs for enhancing educational levels and technical skills of the people
 - c. Maps and reports on proposed housing
 - (1) one-family dwellings
 - (2) two-family dwellings
 - (3) multifamily dwellings
 - (4) public housing
 - d. Maps and reports on proposed parks, playgrounds, and other recreational and cultural facilities
 - e. Plans and reports on future needs for public health and welfare facilities
4. Government and finance
- a. Studies indicating trends in the community and area
 - b. A long-range program of public improvements and related financial programs
 - c. Studies of tax measures designed to encourage the allocation of resources to their most suitable uses

- d. Proposal for changes in local governmental organization to promote economy and efficiency

B. Land use plans

1. Map showing desirable future land use pattern with areas suitable for--
 - a. Industry
 - b. Business
 - c. Homes
 - d. Farming
 - e. Forests
 - f. Recreation
 - g. Other uses
2. Plans for reserving land having locational and transportation advantages for--
 - a. New industry
 - b. Shopping centers
 - c. Schools, parks, playgrounds
 - d. Other public facilities
3. Plans for reserving for permanent open space--
 - a. Steepest slopes
 - b. Natural drainage areas
 - c. Floodways
 - d. Other unusual land forms
4. Plans for acquiring development rights and/or scenic easements in strategic areas for open space
5. Map showing the community zoning plan indicating proposed zoning districts
 - a. Agricultural
 - b. Residential
 - c. Commercial
 - d. Industrial
 - e. Forestry
 - f. Recreational
 - g. Other

C. Natural resource oriented plans and proposals

1. Urban-suburban conservation plans and measures
 - (a) Plans for providing technical assistance on soil and water conservation to--

- (1) road contractors
 - (2) builders and developers
 - (3) homeowners
 - (4) local governments
- b. Proposals and studies preplanning areas about to be developed for residential subdivision or other urban uses so as to control and prevent erosion
 - c. Conservation plans and programs for reducing soil erosion and stream sedimentation during construction stages of road building or subdivision development
 - d. Regulations to establish standards of performance during construction work that would--
 - (1) govern the extent of permissible soil erosion
 - (2) limit unnecessary disturbance of topsoil
 - (3) limit unnecessary removal of vegetative cover
 - (4) require stockpiling and respreading topsoil
 - e. Zoning regulations to prohibit obstruction of natural or other drainage channels or filling or changing contours of flood plains so as to restrict floodwaters
 - f. Measures limiting and regulating type and structural design of buildings and structures that are permitted on flood plains
2. Studies, plans, and reports related to agriculture
- a. Studies indicating trends in crop and livestock production and reports on type of farm production best suited to the area
 - b. Plans for initiating shifts to more profitable agriculture, including possible intensification and/or extensification
 - c. Studies of water requirements per acre by type of crop, and groundwater yields per acre in agricultural areas
 - d. Plans for developing groundwater resources for supplemental irrigation to facilitate crop intensification, especially in urban fringe areas
 - e. Plans for restoring and/or developing tidal areas for agriculture
 - f. Plans for initiating soil conservation improvements, including works to--
 - (1) prevent erosion
 - (2) increase production
 - (3) rehabilitate eroded land
 - (4) provide adequate drainage
 - (5) improve irrigation practices
 - (6) others

- g. Plans for avoiding urban sprawl and for protecting and reserving the most productive lands for agriculture, considering both soil fertility and groundwater yields per acre
- h. Plans for converting submarginal farmlands to more suitable forestry, wildlife, and recreational purposes
- i. Plans for avoiding urban-agricultural conflicts by preventing an unwise mixture of farm and nonfarm land uses
- j. Plans for initiating a rural development program to facilitate combining fragmented farm ownerships into economic size farms
- k. Plans and programs for preventing wind erosion and dust storms by initiating long-range conservation programs and emergency measures as needed, including converting to grasslands potential blowlands not suited for permanent cultivation

3. Reports and plans on water resources

- a. River basin plans and studies of--
 - (1) U. S. Dept. of Agriculture
 - (2) U. S. Dept. of the Interior
 - (3) U. S. Dept of Defense
 - (4) U. S. Dept. of Health, Education and Welfare
 - (5) U. S. Federal Power Commission
 - (6) Other Federal agencies
 - (7) State, county, and municipal governments
 - (8) Utility corporations
 - (9) Individuals
- b. Comprehensive river basin studies and plans of the U. S. Dept. of Agriculture that concern--
 - (1) water supplies for irrigation, livestock, and domestic purposes
 - (2) drainage needs
 - (3) flood damage
- c. Plans for reserving desirable dam sites and reservoir areas for single or multiple purposes, including development of power potentials and other water uses
- d. Plans for reserving and protecting watersheds that are sources of municipal and irrigation waters and protecting such waters from pollution by contaminants or silt
- e. Plans for promoting water control, development, and conservation, including attaining recreational objectives by initiating small watershed projects
- f. Plans for developing groundwater resources for urban and/or agricultural uses

- g. Studies indicating the probable location of the extended boundaries of flood plains as a result of urbanization of water source areas and stream sedimentation following soil erosion during subdivision construction and road building
 - h. Plans for minimizing flood damages by reserving present and enlarged flood plains for types of agricultural production, forestry, recreation, and other land uses that are not prone to high flood damages
 - i. Plans for minimizing flood damages to agriculture on flood plains by limiting agriculture to farming activities and crops that are not too subject to extensive flood damages
4. Plans and reports pertaining to recreation ^{3/}
- a. Maps indicating proposed parks and playgrounds, including tot lots and neighborhood, community, and regional parks
 - b. Plans for creating parks in areas having unique public values such as--
 - (1) beaches
 - (2) sand dunes
 - (3) forested areas
 - (4) cliffs and promontories
 - c. Plans for reserving--
 - (1) historic areas and buildings for their cultural, educational, and recreational values
 - (2) areas of outstanding scenic, natural, or scientific value in their natural condition for visitors to enjoy or study
 - (3) sizable tracts of primitive areas undisturbed by roads for recreational uses
 - (4) suitable natural environment areas for nature trails and for outdoor activities such as hiking, camping, hunting, fishing
 - (5) suitable areas for small craft harbors
 - d. Maps and plans for converting submarginal farmland to more suitable forestry, forage, wildlife, and recreational purposes
 - e. Plans for adding suitable tax-forfeited land to local recreational systems
 - f. Plans for creating park sites out of sanitary land fills
 - g. Plans for recreating drained lakes and for raising the levels of others and providing convenient access to public waters
 - h. Plans for creating greenbelts and open spaces from steep slopes, swamps, or land subject to flooding

^{3/} Adapted with additions from "County Action for Outdoor Recreation," Natl. Assoc. of Counties and Citizens Com. for Outdoor Recreation, 1964.

- i. Plans for creating scenic roads and parkways, and protecting scenic vistas from desecration by billboards, signs, auto junkyards, and other unsightly land uses
- j. Plans for connecting public open spaces with trails for walking, horseback riding, and cycling
- k. Plans for developing such recreational facilities as--

- (1) swimming pools
- (2) picnic areas
- (3) fishing lakes
- (4) ice skating areas
- (5) skiing areas
- (6) baseball diamonds
- (7) tennis and volley ball courts
- (8) zoos
- (9) bowling alleys
- (10) kiddielands
- (11) boating areas

5. Reports and plans pertaining to forestry

- a. Plans for the enlargement, development, and protection of public and private forests to assure a sound economic base for present and proposed woodworking industries, related supply and service firms, and employment
- b. Plans for shifting submarginal cultivated land from use for agricultural purposes to more suitable private and public forest, wildlife, and recreational uses
- c. Plans for utilizing forested areas for suitable recreational activities
- d. Studies and proposals looking toward the adoption of an equitable system of taxation of forest land and forest growth

6. Plans and reports pertaining to fish and wildlife

- a. Plans for developing wildlife sanctuaries and game preserves
- b. Maps and plans for developing marshes, swamps, and adjacent waters for fishing and wildlife uses
- c. Plans for creating public wildlife areas from submarginal agricultural land
- d. Plans for encouraging the creation of private shooting preserves or hunting clubs, game and fur farms, and fish farms and hatcheries

7. Plans and proposals for mined areas

- a. Plans and programs for controlling erosion and facilitating restoration of areas proposed for strip mining by the provision of soil and water technical assistance including preplanning

- b. Plans for development, by public agencies or private or semiprivate clubs, of reclaimed strip-mined lands for such recreational uses as--
 - (1) fishing, boating, swimming, water skiing
 - (2) picnic areas, camping grounds
 - (3) hiking, horseback riding
 - (4) archery, target, skeet shooting
 - (5) summer homes, hunting lodges
- c. Plans for restoration of suitable strip-mined lands for agriculture, grazing, or forestry
- d. Plans for developing abandoned quarries and gravel pits for suitable recreational activities
- e. Plans for transforming declining mining areas into recreational and tourist complexes

APPENDIX B

TENTATIVE MASTER CLASSIFICATION OF TYPES OF ZONING DISTRICTS ESTABLISHED BY ZONING ORDINANCES OF COUNTIES AND OTHER LOCAL GOVERNMENTS FOR UNINCORPORATED OR RURAL AREAS IN THE UNITED STATES AS OF OCTOBER 1964 ^{1/}

I. Agricultural and conservation districts

A. Agricultural districts

1. Agricultural or farming or rural zones (cumulative districts)

a. Districts permitting small minimum tracts (less than 1 acre)

Light agriculture
Heavy agriculture
General agriculture

b. Districts requiring large minimum tracts (1 acre or more)

Light agriculture
Heavy agriculture
General agriculture

2. Exclusive agricultural zones

Light agriculture
Heavy agriculture
General agriculture

3. Interim agricultural zones

Light agriculture
General agriculture

4. Miscellaneous agricultural zones

Specialized farming
Upland agriculture
Grazing
Watershed agriculture
Airport farm

^{1/} The tentative classification is based on types of zoning districts established by ordinances which were adopted by counties in Arizona, California, Colorado, Indiana, and Iowa.

4. Miscellaneous agricultural zones (continued)

Ranching

5. Combining agricultural districts

Agricultural uses
Limited agriculture
Residential agriculture

B. Forestry and/or recreation districts

1. Forestry zones

Forestry or restricted
Forestry and agriculture
Forestry and recreation

2. Recreation zones

Recreation
Recreation and forestry
Upland recreation
Wilderness recreation
Watershed recreation
Guest ranch
Summer home
Residential-recreation

3. Camp and resort zones

Camp and recreation
Resort zones (cumulative districts)
Cottages and dwellings
Cottages and multiresidential
General residential
Mountain resort
Agriculture-watershed resort

4. Park and parkway zones

Park and recreation
Park
Park and parkway
Scenic highway

5. Combining recreation zones

Camp
Special recreation

C. Conservation districts

1. Conservation zones

Conservancy or conservation
Natural resources or conservation
Quarry
Open conservation

2. Watershed zones

Watershed
Watershed (conservation and recreation)

3. Flood control zones

Flood plain
Primary flood plain
Secondary flood plain
General flood plain
Watershed or floodway

4. Combining resource zones

Flood plain, special
Sand and gravel extraction

II. Farm-residential fringe districts

A. Residential-agricultural zones

Rural residential or agricultural residential
Suburban residential, one family
Suburban residential
Suburban homestead
Suburban ranch
Suburban rural

B. Small farm zones

Suburban farming
Small farms
Small farms restricted
Rural exclusive
Garden homes

C. Rural estate zones

Estate (residential)
Rural estate
Small estate
Residential hillside estate

C. Rural estate zones (continued)

Mountain estate

D. Buffer zones

Greenbelt

Open

Urban reserve

III. Residential districts

A. One-family zones

Eight types of one-family residential zones

B. Two-family zones

Two-family limited residential

Two-family general residential

C. Multifamily limited residential

Four types of multifamily general residential zones

D. Apartment zones

Neighborhood apartment

General apartment

Apartment

E. Planned development zones

Neighborhood development

Planned residential

Special treatment

Precise development

F. Transient residential zones

Mobile home park

Trailer homesite

Trailer park or camp

Tourist

Temporary

G. Miscellaneous residential zones

Recreational-residential

Residential beach

Mountain home (one-family)

Mountain home (two-family)

III. Residential districts (continued)

H. Buffer zones

Residential-professional
Residential-commercial
Residential-industrial
Buffer or transition

I. Miscellaneous zones

Park
Density

J. Combining district regulations

Design control or architectural supervision
Building site & yard, special
Building height, special
Trailer park
Public utility
Planned development
Integrated (buffer using special permit)

IV. Business or commercial districts

A. Business or professional office zones

Professional office
Business and professional office

B. Neighborhood or community business zones (cumulative)

Retail sales (limited)
Service commercial
Retail sales and services
1. Limited
2. General

C. Regional or central business zones (cumulative)

Limited business
General business
General business and wholesale
Commercial-light manufacturing
Central business

D. Planned shopping center zones (exclusive)

Limited
General
Neighborhood

D. Planned shopping center zones (exclusive) (continued)

Community
Regional

E. Street or highway frontage zones

Highway service
Highway business
Limited
General
Thoroughfare or main street commercial

F. Miscellaneous business zones

Rural business
Commercial recreation

G. Buffer zones

Offices and clinics
Commercial-residential
Commercial-manufacturing

H. Combining district regulations

Parking
Highway frontage
Public safety
Rural professional

V. Industrial or manufacturing districts

A. Industrial zones (cumulative)

Light
Medium
Heavy
General

B. Industrial zones (exclusive)

Light
Medium
Heavy
General

C. Planned industrial zones

Restrictive (3 horsepower maximum per motor)
Light (5 horsepower maximum per motor)
Heavy

C. Planned industrial zones (continued)

General

D. Industrial park

E. Other industrial zones

Performance industrial
Design manufacturing (architectural landscape)
Manufacturing research
Industrial-agricultural
Railroad

VI. Miscellaneous and residual districts

A. General use zones ^{2/}

Unclassified
Unrestricted
All inclusive
A-1 district
H-1 zoning district

B. Special permit or use zone

Special use
General

C. Miscellaneous zones

Airport
Airport approach
Airport planned
Harbor planned

D. Combining district regulations

Airport area
Airport approach
Oil drilling
Exclusive controlled oil drilling
Building code
Public utility
Special civic

^{2/} Most districts allow any use not otherwise prohibited by law.

APPENDIX C

LEGAL BIBLIOGRAPHY OF STATE ENABLING LEGISLATION EMPOWERING COUNTIES, TOWNS OR TOWNSHIPS, OR OTHER LOCAL GOVERNMENT UNITS WITHIN STATES IN THE APPALACHIAN REGION TO ENACT RURAL ZONING ORDINANCES AS OF JANUARY 1, 1964

State and code reference to provisions of acts in other tables <u>1/</u>	Local units of government empowered to zone	Legal citations
Alabama		
1c	Countries with a population of 400,000 or more, 1940 or succeeding Fed. censuses (Jefferson Co.)	Ala. Code, app. vol., secs. 970 to 985 (1958) and (Supp. 1963) -- Ala. Acts 1947, nos. 344 and 649, as amended through 1959, 2d Extra Sess., no. 94
2m	Any incorporated municipality through planning commission. (urban fringe - 5 miles)	Ala. Code, tit. 37, secs. 786 to 798 (1958) -- Ala. Acts 1935, no. 534 as amended through 1959, no. 296. Existence of extraterritorial zoning power suggested in Quarterly Report of Atty. Gen. of Ala., July-Sept. (1944), pp. 34-37
3m	All municipal corporations in counties with a population of 300,000 or more (unincorporated urban fringe within police jurisdiction)	Ala. Acts 1947, nos. 344, 564, 649 and Ala. Code, tit. 37, sec. 9 (1958). Municipalities' options to zone must be exercised within 90 days of adoption of Ala. Act, no. 344 (1947). See discussion of extraterritorial zoning in American Society of Planning Officials, Planning Advisory Service, Info. Report no. 42, Sept. 1952 at 22-23.
Georgia		
1c	Each county	Ga. Code Ann., secs. 69-1201 to 69-1231 (1957) and (Supp. 1963) -- Ga. Acts 1957, no. 358 at 420; 1958, no. 191 at 169; 1959, no. 307 at 335; 1960, no. 756 at 1037. Counties may continue to plan and zone under special acts below or counties may elect by ordinance or resolution to operate under this general act.
2c	Countries with a population of 300,000 or more (Fulton County)	Ga. Laws 1957, no. 231 at 2643, et seq.
3c	Countries with a population of 300,000 or more (Fulton County)	Ga. Laws 1952, no. 825 at 2689, et seq., as amended 1960, no. 918 at 3206, et seq.
4c	Countries with a population of 75,000 to 100,000, 1930 or future Fed. censuses (Bibb, DeKalb, Muscogee, and Richmond Counties)	Ga. Laws 1939, no. 281 at 403-405

1/ Legal references are numbered serially by States. A number followed by c indicates a county enabling law; t, town or township; and m, miscellaneous units of government. The same designations are used to identify the enabling laws.

State and code refer-
ence to provisions of
acts in other tables

Georgia--Continued

Local units of government
empowered to zone

Legal citations

5c	Counties with a population of 108,000 to 112,000, 1950 or future Fed. censuses (Richmond County)	Ga. Laws 1951, no. 316 at 481-493, repealed in its entirety by 1963, no. 360 at 3189
6c	Baldwin County	Ga. Laws 1956, no. 38 at 2082-2083
7c	Bryan County	Ga. Laws 1941, no. 236 at 773-788
8c	Camden County	Ga. Laws 1939, no. 323 at 520-533
9c	Chatham, Bryan, Glynn, and Liberty Counties	Ga. Laws, Ex. Sess. 1937-1938, no. 254 at 767-781
10c	Counties with a population of 20,120 to 20,130, 1940 or future Fed. censuses (Cherokee County)	Ga. Laws 1941, no. 213 at 565-567, conferring zoning power under Ga. Laws 1946, no. 553 at 191-203
11c	Clayton County	Ga. Laws 1949, no. 56 at 223-235
12c	Cobb County	Ga. Laws 1956, no. 2 at 2006-2020, zoning as authorized by Ga. Const. (1945) art. III, par. XXIII, repealing and superseding Ga. Laws 1943, no. 9 at 902-908, as amended 1949, no. 340 at 1499-1503
13c	DeKalb County	Ga. Laws 1956, no. 407 at 3332-3356 supplementing 1943, no. 271 at 930-941, as amended 1952, no. 768 at 2614
14c	Counties with a population of 120,000 to 145,000, 1950 U. S. census (DeKalb County)	Ga. Laws Ex. Sess. 1937-1938, no. 133 at 414-415, as amended 1939, no. 342 at 406-407; 1949, no. 442 at 1878-79; 1951, no. 103 at 78-82
15c	Forsythe County	Ga. Laws, Nov.-Dec. Sess., 1953, no. 603 at 2375-2380
16c	Fulton County	Ga. Laws 1951, no. 347 at 3033-3048, superseding 1939, no. 65 at 584-595, as amended
17c	Gwinnett County	Ga. Laws 1955, no. 277 at 2925-2938
18c	Glynn County	Ga. Laws Ex. Sess. 1937-1938, no. 5 at 823-836
19c	Hall County	Ga. Local Laws 1949-1950, no. 843 at 2864-2867
20c	Henry County	Ga. Laws 1953, no. 742 at 2780-2784, pursuant to Ga. Const., art III, par. XXIII, sec. VII
21c	Liberty County	Ga. Laws 1941, no. 468 at 903-917

State and code reference to provisions of acts in other tables	Local units of government empowered to zone	Legal citations
Georgia--Continued		
22c	Lumpkin County (territory within 2-mile radius of Lake Lanier)	Ga. Laws 1956, no. 492 at 3497-3498
23c	Muscogee County	Ga. Laws 1951, no. 397 at 3160-3175, conferring zoning power pursuant to Ga. Laws 1946, no. 553 at 191-203
24c	Paulding County	Ga. Laws 1939, no. 82 at 700-703
25c	Counties with a population of 81,000 to 82,000, 1940 or future Fed. censuses (Richmond County)	Ga. Laws 1947, no. 15 at 78-89
26c	Counties with a population of 72,500 to 73,500, 1930 or future censuses (Richmond County)	Ga. Laws 1939, no. 283 at 245-248
27c	Spalding County	Ga. Laws 1951, no. 157 at 2494-2504, repealing and superseding 1941, no. 98 at 960-961
28c	Counties with a population of 24,100 to 24,200, 1940 or future Fed. censuses (Baldwin County)	Ga. Laws 1946, no. 534 at 203-205
29c	Sumter County	Ga. Laws 1956, no. 208 at 2682-2687
Kentucky		
1c	Counties containing a city of the first class	Ky. Rev. Stat., secs. 100.031 to 100.098 and 100.970 to 100.990 (1962) -- Ky. Acts 1942, ch. 176, as amended through 1960, chs. 104, 199
2c	Counties containing a city of the second class	Ky. Rev. Stat., secs. 100.320 to 100.490 and 100.970 to 100.990 (1962) -- Ky. Acts 1928, ch. 80, as amended through 1962, chs. 40, 297
3c	Counties containing cities of the third, fourth, fifth, and sixth class	Ky. Rev. Stat., secs. 100-850 to 100-872 and 100.970 to 100.990 (1962) -- Ky. Acts 1960, chs. 69, 104
4c	Franklin County (capital planning and zoning commission)	Ky. Rev. Stat., secs. 147.410 to 147.570 (1962) -- Ky. Acts 1960, ch. 130
5m	Cities of the first class (urban fringe - 5 miles)	Ky. Rev. Stat., secs. 100.097 and 100.970 to 100.990 (1962) -- Ky. Acts 1942, ch. 176, as amended through 1960, ch. 104

State and code refer-
ence to provisions of
acts in other tables

Local units of government
empowered to zone

Legal citations

Kentucky--Continued

Recent new law

6c

Adjacent counties, one of which
contains city with population
of 50,000-200,000, last Fed.
census (area planning commission)

Ky. Rev. Stat., secs. 147.610 to 147.990 (1962) -- Ky. Acts 1960, ch. 248

Maryland

1c

Any county

Md. Ann. Code, art. 66B, secs. 21 to 23, 34 to 37 (1957) and (Supp. 1963) -- Md. Laws 1933, ch. 599, as amended through 1963, chs. 214, 556

2c

Each chartered county

Md. Ann. Code, art. 25A, secs. 5(A) (U) (X) (Supp. 1963) -- Md. Laws 1959, ch. 614; 1962, ch. 36, sec. 21

3c

Anne Arundel County

Md. Laws 1947, ch. 388 as amended 1949, ch. 426; 1951, ch. 654 (ch. 654 makes gen. zoning law [Md. 1c] applicable to Anne Arundel County); Md. Laws 1961, ch. 724 amends Md. Ann. Code, art. 66B relative to Anne Arundel County

4c

Baltimore County

Md. Laws 1945, ch. 502, as amended 1947, ch. 915; 1953 chs. 369, 634, 635

5c

Carroll County

Md. Laws 1953, ch. 644

6c

Howard County

Md. Laws, Ex. Sess., 1948, ch. 19, as amended 1953, ch. 604. See also 1963, ch. 454

7c

Montgomery and Prince Georges
Counties (Maryland-National
Capital Park and Planning
Commission)

Md. Laws 1959, ch. 780, as amended 1963, ch. 630, repealing and superseding Md. Laws 1943, ch. 992, as amended

8c

St. Marys County

Md. Laws 1947, ch. 685

9m

La Vale zoning district
(Allegany County)

Md. Laws 1957, ch. 228, as amended 1959, ch. 300

10m

Any incorporated town in Talbot
County (urban fringe - 1 mile)

Md. Ann. Code, art. 66B, sec. 21(g) (1957) and (Supp. 1963); zoning pursuant to art. 66B, secs. 1 to 9 -- Md. Laws 1953, ch. 190, as amended through 1961, ch. 5

11m

State of Maryland (1-mile radius
beyond towns or villages in
Kent County)

Md. Laws 1955, ch. 54

Recent new laws

12m

All cities and towns (within
subdivisions in 1-mile urban
fringe)

Md. Ann. Code, art. 66B, secs. 24, 27 (1957) and (Supp. 1963) -- Md. Laws 1933, ch. 599, as amended through 1961, ch. 272

13m

Any incorporated town in Cecil
County (urban fringe - 1 mile)

Md. Code Ann., art. 66B, sec. 21(j) (Supp. 1963) -- Md. Laws 1961, ch. 779

State and code refer-
ence to provisions of
acts in other tables

Local units of government
empowered to zone

Legal citations

Maryland--Continued

14c Certain counties--Anne Arundel, Md. Ann. Code, art. 66B, secs. 38 to 50 (Supp. 1963) -- Md. Laws 1963, ch. 874

Carroll, Cecil, Charles
Frederick, Harford, Howard,
Kent, Prince Georges, and
St. Marys (historic area
zoning)

North Carolina

1c Any county (except 14 named N.C. Gen. Stat., secs. 153-266.10 to 153-266.22 (Supp. 1963) -- N.C. Laws 1959, ch.
counties) 1006, as amended through 1963, chs. 275, 529, 1035

2c Counties having 2 or more cities N.C. Gen. Stat., secs. 153-251 to 153-266 (Supp. 1963) -- N.C. Laws 1957, ch. 416
each with 35,000 or more people

3c Any county or municipality N.C. Laws 1957, ch. 1005
(flood plain zoning districts)

4c Carteret County N.C. Laws 1959, ch. 1033

5c Craven County (Cherry Point N.C. Laws 1949, ch. 455, as amended 1951, ch. 757
Marine Corps Air Station)

6c Dare County (rural zoning areas) N.C. Laws 1951, ch. 1193

7c Durham County N.C. Laws 1949, ch. 1043

8c Forsyth County (rural area) and N.C. Laws 1947, ch. 677, as amended 1953, ch. 777
city of Winston-Salem (urban
fringe - 3 miles)

9c Iredell County (Cowans Ford N.C. Laws 1959, ch. 908
Lake - 3-mile fringe)

10c Perquimans County (rural N.C. Laws 1957, ch. 1435
planning and zoning areas)

11m Sanitary districts contiguous N.C. Gen. Stat., sec. 130-128 (18) (1958) and (Supp. 1963) -- N.C. Laws 1949, ch. 1145,
to any incorporated town as amended 1961, ch. 669, conferring powers under munic. zoning law, N.C. Gen. Stat.,
and located within 3 miles secs. 160-172 to 160-181.1, (1952 and Supp. 1963) -- N.C. Laws 1923, ch. 250, as
of two other cities or towns amended through 1963, ch. 1058

12m Robertsonville, town of N.C. Laws 1957, ch. 1201
(zoning by State)

State and code refer-
ence to provisions of
acts in other tables

Local units of government
empowered to zone

Legal citations

North Carolina--Continued

13m	Cities and incorporated towns of 1,250 or more people in selected counties (urban fringe - 1 mile)	N.C. Gen. Stat., sec. 160-181.2 (Supp. 1963) -- N.C. Laws 1959, ch. 1204, as amended through 1963, chs. 519, 889, 1076, 1105, authorizing extraterritorial zoning under munic. zoning stats.
14m	Carrboro, town of (urban fringe described by metes and bounds)	N.C. Laws 1963, ch. 122, as amended 1963, ch. 636, conferring extraterritorial zoning powers under munic. zoning stats.; repealing N.C. Laws 1957, ch. 726 and supplementing 1953, chs. 527, 1959, ch. 939, and 1961, ch. 87
15m	Chapel Hill, city of (urban fringe described by metes and bounds)	N.C. Laws 1961, ch. 87, V sub E, incorporating and consolidating 1953, ch. 527, as amended, and conferring extraterritorial zoning powers under munic. zoning stats.; see also N.C. Laws 1963, ch. 122, affecting certain areas common to Chapel Hill and Carrboro
16m	Charlotte, city of (urban fringe described by metes and bounds)	N.C. Laws 1955, chs. 123; 1957, 510; 1959, ch. 114, conferring extraterritorial zoning powers under munic. zoning stats.
17m	Elizabeth City (urban fringe - 1 mile, except Camden County)	N.C. Laws 1957, ch. 1450, as amended 1963, ch. 24, conferring extraterritorial zoning powers under munic. zoning stats.
18m	Farmville, town of (urban fringe - 1 mile)	N.C. Laws 1951, ch. 441, conferring extraterritorial zoning powers under munic. zoning stats.
19m	Gastonia, city of (urban fringe - 1 mile)	N.C. Laws 1963, ch. 486, rewriting 1949, ch. 700, and conferring extraterritorial zoning powers expressly and by reference under munic. zoning stats.
20m	Greensboro, city of (urban fringe - 1 mile)	N.C. Laws 1959, ch. 1137, V sub D, as amended 1963, ch. 55, conferring extraterritorial zoning powers under munic. zoning stats.
21m	Goldsboro, city of (urban fringe - 1 mile)	N.C. Laws 1961, ch. 447 art. 17, as amended 1963, ch. 328, conferring extraterritorial zoning powers under munic. zoning stats.
22m	High Point, city of (urban fringe area)	N.C. Laws 1955, ch. 861, as amended; 1959, ch. 190, conferring extraterritorial zoning powers under munic. zoning stats.
23m	Jacksonville, city of (urban fringe - 1 mile)	N.C. Laws 1955, ch. 563, conferring extraterritorial zoning powers under munic. zoning stats.
24m	Kinston, city of (urban fringe - 1 mile)	N.C. Laws 1961, ch. 92, conferring extraterritorial zoning powers under munic. zoning stats. and superseding N. C. Laws 1951, ch. 876
25m	Mooreville, town of (urban fringe - 1 mile)	N.C. Laws 1951, ch. 336, conferring extraterritorial zoning powers under munic. zoning stats.
26m	Murfreesboro, town of (urban fringe - 1 mile)	N.C. Laws 1959, ch. 737, conferring extraterritorial zoning powers under munic. zoning stats.

State and code refer-
ence to provisions of
acts in other tables

North Carolina--Continued

Local units of government
empowered to zone

Legal citations

27t	Newport Township (600 ft. both sides of U.S., 70 within Carteret County)	N.C. Laws 1951, ch. 1001, conferring zoning powers under munic. zoning stats.
28m	Raleigh, city of (urban fringe - 1 mile)	N.C. Laws 1949, ch. 540, conferring extraterritorial zoning powers under munic. zoning stats.
29m	Salisbury, city of (urban fringe described by metes and bounds)	N.C. Laws 1957, ch. 872, conferring extraterritorial zoning powers under munic. zoning stats.
30m	Snow Hill, town of (urban fringe - 1 mile)	N.C. Laws 1957, ch. 207, conferring extraterritorial zoning powers under munic. zoning stats.
31m	Spencer, town of (urban fringe - 1 mile)	N.C. Laws 1957, ch. 959, conferring extraterritorial zoning powers under munic. zoning stats.
32m	Statesville, city of (urban fringe - 1 mile)	N.C. Laws 1951, ch. 238, as amended 1957, ch. 1212; N.C. Laws 1959, ch. 667, art. XX, conferring extraterritorial zoning powers under munic. zoning stats.
33m	Tarboro, town of (urban fringe - 1 mile)	N.C. Laws 1949, ch. 1192, conferring extraterritorial zoning powers under munic. zoning stats.
34m	Tryon, town of (urban fringe - 1 mile)	N.C. Laws 1959, ch. 635, conferring extraterritorial zoning powers under munic. zoning stats.
35m	Zebulon, town of (urban fringe - 1 mile)	N.C. Laws 1961, ch. 667, conferring extraterritorial zoning powers under munic. zoning stats.
Ohio		
1c	Any county	Ohio Rev. Code Ann., secs. 303.01 to 303.99 (page 1953) and (Supp. 1963) -- Ohio Laws 1947, p. 597, as amended through 1963, S.B. 346
2t	Any township	Ohio Rev. Code Ann., secs. 519.01 to 519.99 (page 1953) and (Supp. 1963) -- Ohio Laws 1947, p. 597, as amended through 1959, pp. 128, 287
Pennsylvania		
1c	Counties of the second class (800,000 to 1,800,000)	Pa. Stat. Ann., tit. 16, secs. 5220 to 5239 (Pardon 1956) -- Pa. Laws 1953, no. 230, secs. 2220 to 2239
2c	Counties of the third to eighth class (having population within range of 800,000 to under 20,000)	Pa. Stat. Ann., tit. 16, secs. 2020 to 2039 (Pardon 1956) and (Supp. 1963) -- Pa. Laws 1955, no. 130, secs. 2020 to 2039, as amended 1961, no. 323
3t	Townships of the first class (having at least 300 inhabitants per square mile)	Pa. Stat. Ann., tit. 53, secs. 58101 to 58111 (Pardon 1956) and (Supp. 1963) -- Pa. Laws 1931, no. 331, secs. 3101 to 3111, as amended through 1959, no. 268

State and code reference to provisions of acts in other tables	Local units of government empowered to zone	Legal citations
Pennsylvania--Continued		
4t	Townships of the second class (all other townships)	Pa. Stat. Ann., tit. 53, secs. 67001 to 67010, 67055 to 67057, and 65725 (Purdon 1956) and (Supp. 1963) -- Pa. Laws 1933, no. 69, secs. 2001 to 2010, as amended through 1961, no. 674
South Carolina		
1c	Counties containing a city of over 23,000	S.C. Code, secs. 14-351 to 14-384 (1962) and (Supp. 1963) -- S.C. Acts 1942, no. 681, as amended through 1963, no. 362
2c	Counties having a sudden large influx of people	S.C. Code, secs. 14-391 to 14-399.6 (1962) -- S.C. Acts 1951, no. 69, as amended 1961, no. 9
3c	Beaufort County (Beaufort, Sheldon, and St. Helena Townships)	S.C. Code, secs. 14-400.71 to 14-400.116 (1962) -- S.C. Acts 1959, no. 294, and 1960, no. 871, superseding and repealing 1954, no. 733, as amended
4c	Greenwood County (unincorporated portion of Greenwood metropolitan district)	S.C. Code, secs. 14-400.311 to 14-400.324 (1962) -- S.C. Acts 1960, no. 702, superseding and repealing 1959, no. 293
5c	Lexington County (Planning and Development Bd.)	S.C. Code, secs. 14-400.401 to 14-400.410 (1962) -- S.C. Acts 1956, no. 867, as amended through 1960, nos. 573 and 856
6m	Hanahan Public Service	S.C. Code, secs. 14-400.131 to 14-400.132 (1962) -- S.C. Acts 1954, no. 550, as amended 1960, no. 957 -- granting zoning powers conferred by S.C. Code, secs. 14-395, 14-398, 14-399 to 14-399.6 (1962)
7m	North Charleston Consolidated Public Service District	S.C. Acts 1957, no. 521, consolidating the former North Charleston Public Service District -- S.C. Acts 1948, no. 811 and the St. Phillips and St. Michaels Public Service District -- S.C. Acts 1948, no. 812, and conferring on the consolidated district zoning powers formerly granted respective districts
8m	Cities with a population of 15, 250 to 16,000 (Sumter, urban fringe - 3 miles)	S.C. Code, sec. 47-1072 (1952) -- S.C. Acts 1950, no. 913
Tennessee		
1c	Any county	Tenn. Code Ann., secs. 13-401 to 13-415 (1955) and (Supp. 1963) -- Tenn. Acts 1935, ch. 33, as amended 1957, ch. 306
2c	Any county	Tenn. Code Ann., secs. 13-210 to 13-212 (1955) -- Tenn. Acts 1939, ch. 158, conferring zoning powers under Tenn. Code Ann., secs. 13-701 to 13-710 (1955) -- Tenn. Acts 1935, ch. 44
3m	Any municipality, except those in Gibson and Putnam Counties (adjoining unincorporated area within municipal planning region)	Tenn. Code Ann., secs. 13-711 to 13-715 (Supp. 1963) -- Tenn. Acts 1959, ch. 217, as amended 1963, ch. 374, authorizing extraterritorial zoning powers under Tenn. Code Ann., secs. 13-701 to 13-710 (1955) and (Supp. 1963)

State and code reference to provisions of acts in other tables	Local units of government empowered to zone	Legal citations
Tennessee--Continued		
4c	Counties with a population of over 300,000, 1930 or later Federal censuses (Davidson and Shelby Counties)	Tenn. Private Acts 1931, ch. 613, as amended by Tenn. Private Acts 1935, ch. 707; 1937, ch. 377; and 1955, ch. 353
5c	Counties with a population of 29,200 to 29,250, 1930 or later Fed. censuses (Carter County)	Tenn. Private Acts 1937, ch. 903
6c	Counties with a population of 200,000 to 250,000, 1930 or later Fed. censuses (Davidson County)	Tenn. Private Acts 1939, ch. 473, as amended 1947, ch. 288; 1951, ch. 246
7c	Counties with a population of 159,000 to 200,000, 1930 or later Fed. censuses (Hamilton County)	Tenn. Private Acts 1939, ch. 460
8c	Counties with a population of 12,200 to 12,250, 1930 or later Fed. censuses (Johnson County)	Tenn. Private Acts 1937, ch. 904
9c	Counties with a population of 300,000 or more, 1930 or later Fed. censuses (Shelby County)	Tenn. Private Acts 1935, ch. 625, as amended 1945, ch. 131; 1953, ch. 309; 1961 ch. 410
10c	Counties with a population of 51,080 to 51,125, 1930 or later Fed. censuses (Sullivan County)	Tenn. Private Acts 1937, ch. 520
11c	Counties with a population of 12,675 to 12,725, 1930 or later Fed. censuses (Unicoi County)	Tenn. Private Acts 1937, ch. 902
12c	Counties with a population of 45,800 to 45,850, 1930 or later Fed. censuses (Washington County)	Tenn. Private Acts 1937, ch. 901
13c	Counties with a population of 59,250 to 59,275, 1950 or later Fed. censuses (Anderson County)	Tenn. Private Acts 1955, ch. 416

State and code refer-
ence to provisions of
acts in other tables

Tennessee--Continued

Recent new laws
14c

Counties with a population of
41,035 to 41,055, 1950 or later
Fed. censuses (Greene County -
regulation of junkyards near
places of worship)

Tenn. Private Acts 1959, ch. 340

15c

Counties with a population of
36,200 to 36,250, 1960 or later
Fed. censuses (Summer County -
regulation of junkyards)

Tenn. Private Acts 1961, ch. 302

Virginia

1c

Any county

Va. Code Ann., secs. 15-968 to 15-969 (Supp. 1962) -- Va. Acts 1962, ch. 407, super-
seding and repealing all earlier county zoning enabling statutes

West Virginia

1c

Every county

W.Va. Code Ann., secs. 511(1) to 525 eee (72) (1961) and (Supp. 1963) -- W.Va. Laws
1959, ch. 118, as amended through 1963, ch. 124

2c

Any county (zoning within
flood control areas)

W.Va. Code Ann., sec. 591 (1400)(1) (1961) -- W.Va. Laws 1955, ch. 130

3m

State (zoning near radio
astronomy facilities)

W.Va. Code Ann., secs. 3703(1) to 3703(6) (1961) -- W.Va. Laws 1956, First Ex. Sess.,
ch. 2

Local units of government
empowered to zone

Legal citations

